

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIGUEL MOLINA, *et al.*,

Plaintiffs,

v.

K. KAUFFMAN, *et al.*,

Defendants.

No. 4:21-CV-00038

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

**ORDER**

**SEPTEMBER 28, 2021**

Plaintiffs filed this civil rights complaint—which they have twice amended—alleging that their rights have been violated by Defendants as related to the conditions of confinement at State Correctional Institution Huntingdon.<sup>1</sup> Plaintiffs also filed a motion for class certification, seeking to certify a class of prisoners in this case, and seeking the appointment of their attorney to represent that class.<sup>2</sup> In June 2021 Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court deny the motion for class certification, as Plaintiffs have failed to demonstrate that they have suffered from a common injury.<sup>3</sup> Plaintiffs filed timely objections to the Report and Recommendation, asserting that they have adequately demonstrated commonality of injury, and that the Report and Recommendation sets too high a bar for injury.<sup>4</sup>

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<sup>1</sup> Docs. 1, 35, 72.

<sup>2</sup> Doc. 43.

<sup>3</sup> Doc. 67.

<sup>4</sup> Doc. 71.

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>5</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.<sup>6</sup> After reviewing the record, the Court finds no error in Chief Magistrate Judge Mehalchick’s conclusion that the motion for class certification must be denied because Plaintiffs have failed to sufficiently establish commonality of injury. Accordingly, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 67) is **ADOPTED**;
2. Plaintiffs’ motion for a class certification (Doc. 43) is **DENIED**; and
3. This matter is **REMANDED** to Chief Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
Chief United States District Judge

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<sup>5</sup> *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.